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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,796	12/02/2003	William M. Pierce	5705-001	6142
25184	7590	06/03/2004	EXAMINER	
WILLIAM J. MASON MACCORD MASON PLLC POST OFFICE BOX 1489 WRIGHTSVILLE BEACH, NC 28480			LUM VANNUCCI, LEE SIN YEE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,796

Applicant(s)

PIERCE, WILLIAM M.

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-12 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

2. The disclosure is objected to because of the following issues:

In the Drawings

In fig 1, there are two elements labeled element "7".

In the Spec

The first paragraph, "Cross-Reference to Related Applications", should include that the parent case 10-217421 has been abandoned.

In the Claims

The following elements lack antecedent basis:

In Claims 3, 9 and 13 – neck,

In Claims 5, 10 and 16 – cable free end.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 12 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie.

Re **Claims 1, 2, 5, 12 and 15-20**, Ritchie discloses a hitch-aligning system attachable to a trailer with tongue 24 and coupling 38, the system comprising

Elongated plate 26 attachable (e.g., via welding) to the trailer, with plate ends extendable from opposite sides of the tongue 24/38,

Cable winch 30 connected to the plate, including handcrank 32,

Cable attachment point 54 (on another plate 28), including hook (unidentified element on end of cable connecting to element 54),

Cable 34 with one end connected to the winch, and another end to the attachment point,

Whereby the attachment point and a tension point where the cable departs the winch are equidistantly separated from the trailer's centerline by a distance at least a multiple larger than the trailer coupling, thus causing a triangulating action that aligns the vehicles (fig 1),

Pulley 50, and housing, comprising elements 40/46, and including releasable attachment member 58 (fig 4),

Wherein the system is factory-installed on a boat trailer, and,

Is sold as an aftermarket kit (i.e., the winch, attachment point, and releasable attachment member, col 1, lines 52-54).

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The reference does not disclose the winch and attachment point on opposite ends of one plate, but shows a functionally-equivalent arrangement that includes a "triangulation action" for alignment. However, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this alternate arrangement (both winch and attachment point on the same plate) to simplify assembly by having all connections (i.e., connections of the winch and attachment point) made on one plate, instead of on two plates.

Re **Claim 6**, Ritchie does not disclose the attachment point as a hole, although eyebolt/hook 54 is functionally equivalent. However, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include a hole as an alternate embodiment, to simplify the design of the invention, thus decrease costs.

4. **Claims 3, 4, 13 and 14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose a hitch-aligning system for a trailer comprising, *inter alia*,

an attachable transverse plate with ends on opposing sides of a tongue, the plate including a winch on one end, and an attachment point on the other, and


a pulley housing with a hook as a releasable ball hitch member.

5. Communication with USPTO/Examiner

Any inquiry concerning this communication should be directed to Ms. Lum at 703 305-0232, M-F, 830-530. Our fax number is 703 872-9306. Any inquiry of a general nature, or relating to the status of this application/proceeding, should be directed to Customer Service at 703 306-5771.

Ms. Lee S. Lum
Examiner
5/25/04




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